UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/448,180	11/24/1999	GUY LEVIT	P-2853-US	4750

			EXAMINER
27130	7590	08/03/2004	CONTEE, JOY KIMBERLY

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ART UNIT	PAPER NUMBER
2686	

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/448,180	LEVIT ET AL.
	Examiner	Art Unit	
	Joy K Contee	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>06 May 2004</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>25-36 and 38-46</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>25-36 and 38-46</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments, see pages 7-8, filed May 6, 2004, with respect to

the rejections of claims 15-36 and 39-46 under 35 USC 112, first paragraph,

have been fully considered and are persuasive. Therefore, the rejection has

been withdrawn. However, upon further consideration, with respect to claims

15,23-24 and 37, a new ground of rejection is made in view of the Brilla et al. (US

Patent No. 6,389,276), previously used on at least independent claims 15 and

37, now canceled, as modified by Goldberg (US Patent No. 5,457,732).

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   Claims 25-27 and 41-46 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly

claim the subject matter which applicant regards as the invention.

Claims 25-27 recite the limitation "at least one given subscribers" . There

is insufficient antecedent basis for this limitation in the claim. The claims only

refer to "at least one subscriber".

Claims 41-46 recite the limitation "a method according to claim 37" in

claims 41 and 46, claims 42-45 depend from claim 41. There is insufficient

antecedent basis for this limitation in the claim. Claim 37 has been cancelled.

The examiner has not examined the claims on the merits. It is not clear whether

Applicant intended to cancel these claims.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

5.   Claims 25-36 and 38-40 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Brilla et al. (Brilla), US Patent No. 6,389,276, in view of

Goldberg, US Patent No. 5,457,732.

Regarding claim 25, Brilla discloses a method of providing access to a

specific message stored on a message server, comprising:

generating a unique message pointer (i.e., TAP paging message,

including an access number and the text of the message to be displayed)

associated with said specific message stored on said server (e.g., voice mail

platform) (col. 16, lines 16-21); and

sending said message pointer (i.e., via the MWI controller) to at least one

given subscriber's address (i.e., E-mail address and the portable number (if

needed)) (col. 16,lines 28-49);

wherein said at least one given subscriber may use said message pointer

in combination with a subscriber's address identifier associated with said at least

one given subscriber to enable access to said message without having to input

any additional data (i.e., "instantly access the stored voicemail message") (col.

16, lines 54-67),

wherein said unique message pointer is further associated with a specific

subscriber from said at least one given subscriber (col. 16,lines 15-48),

wherein said generating further comprises for each of said at least one

given subscriber, generating a unique message pointer (col. 16,lines 15-21).

Brilla fails to explicitly disclose wherein said unique message pointer is

associable with two or more subscribers.

In a similar field of endeavor, Goldberg specifically teaches wherein said

unique message pointer (i.e., reads on "response" telephone) is associable with

two or more subscribers (i.e., the subscriber leaving or sending the message and

the receiving subscriber) (col. 2,lines 29-36 and col. 12,lines 5-11).

At the time of the invention it would have been obvious to one of ordinary

skill in the art to modify Brilla's "unique message pointer" to include a response

telephone number associated with a calling or sending subscriber for the purpose

of allowing the receiving the subscriber to know who has sent a given message,

hence associating two or more subscribers with one message.

Regarding claim 26, Brilla discloses a method according to claim 25,

wherein each of said at least one given subscribers is associated with a

predefined number (i.e., reads on one of identification or access number) of

unique message pointers (col. 16,lines 15-20).

Regarding claim 27, Brilla discloses a method according to claim 26, wherein for each of said least given subscribers, after said predetermined number of unique message pointers is selected, at least one of said unique message pointers is made available to be reused (i.e., reads on identification or access number of "pager" to be alerted for each message) for providing direct access to a second message stored on said server and associated with said at least one given subscriber (col. 16,lines 15-20).

Regarding claim 28, Brilla discloses a method according to claim 27, wherein after said predetermined number of unique message pointers is selected, said at least one unique message pointer is disassociated (i.e.,reads on a new message being received) from said specific message (col. 11, lines 30-44 and col. 16,lines 15-20).

Regarding claim 29, Brilla discloses a method according to claim 28, wherein said message pointer comprises a telephone number (col. 11,lines 30-44).

Regarding claim 30, Brilla discloses a method according to claim 29, wherein said telephone number is selected from a bank of telephone numbers (i.e., reads on translation table), and wherein each of said telephone numbers is associated with a distinct telephone line (col. 8,lines 5-25)

Regarding claim 31, Brilla discloses a method according to claim 30, further comprising initiating a communication session using said telephone number over a specific telephone line specifically associated with said message (col. 10,lines 37-49).

Regarding claim 32, Brilla discloses a method according to claim 31, wherein said subscriber's address identifier comprises a subscriber's telephone number (col. 11,lines 4-14).

Regarding claim 33, Brilla discloses a method according to claim 32, further comprising inherently, identifying said subscriber's telephone number upon the initiation of said communication session (col. 11.;lines 4-14)

Regarding claim 34, Brilla discloses a method according to claim 33, further comprising providing access to said specific message stored on said server upon the identification of said subscriber's telephone number (col. 11,lines lines 4-14).

Regarding claim 35, Brilla discloses a method according to claim 31, wherein said subscriber's address identifier is an identifier selected from a group consisting of a URL, an e-mail, an instant message, an SMS an EMS an MMS and a telephone number specifically associated with said message, and wherein access to said specific message stored on said server is provided upon the identification of said identifier (col. 16,lines 28-53).

Regarding claim 36, Brilla discloses a method according to claim 34, further comprising allowing said subscriber to replay said specific message stored and said server (col. 5,lines 40-53).

Regarding claim 38, Brilla disclose a method of providing access to a specific message stored on a server, comprising:

linking (i.e., via translation table) a message stored on said server with a

first specific network address associated with said specific message and further

associated with a given subscriber (col. 16, lines 15-21 and lines 28-35);

sending said specific network address (i.e., E-mail address and portable

number) to said given subscriber's address (col. 16, lines 36-48); and

using said first specific network address to initiate a communication

session with said communication device at said first specific network address

(col. 16, lines 24-59).

Brilla fails to explicitly disclose wherein upon the identification of said

given subscriber's address access to said stored message is provided without

having to input any additional data, and wherein said linking further comprises

linking said message stored on said server with a second specific network

address associated with said specific message and further associated with a

second given subscriber (col. 2,lines 29-36, col. 7,lines 5-10 and and col. 12,lines

5-11).

Goldberg further suggests wherein upon the identification of said given

subscriber's address access to said stored message is provided without having

to input any additional data, and wherein said linking further comprises linking

said message stored on said server with a second specific network address

associated with said specific message and further associated with a second

given subscriber.

At the time of the invention it would have been obvious to one of ordinary

skill in the art to modify Brilla's "unique message pointer" to include a response

telephone number associated with a calling or sending subscriber for the purpose

of allowing the receiving the subscriber to know who has sent a given message,

hence associating two or more subscribers with one message.

Regarding claim 39, Brilla as modified by Goldberg discloses a method

according to claim 38, Goldberg further discloses wherein said first and said

second network addresses are identical (i.e., are within the PSTN or within

private network) (col. 6,lines 5-20).

At the time of the invention it would have been obvious to one of ordinary

skill in the art to modify Brilla to include two subscriber address because in the

case where a message is sent from one subscriber to another, two subscriber

addresses are associated with one message.

Regarding claim 40, Brilla as modified by Goldberg discloses a method

according to claim 39, wherein Goldberg further discloses said first and said

second network addresses are distinct (i.e., outside network) (col. 6,lines 21-30).

At the time of the invention it would have been obvious to one of ordinary

skill in the art to modify Brilla to include two subscriber address because in the

case where a message is sent from one subscriber to another, two subscriber

addresses are associated with one message.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Thro et al., U.S. Patent No. 6,147,977, discloses a method and apparatus

for processing messages based on originator and recipient priorities.

7.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Joy K Contee whose telephone number is

703-308-0149. The examiner can normally be reached on M (alternating), T &

Th, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Marsha Banks-Harold can be reached on 703-305-4379.

The fax phone number for the organization where this application or proceeding

is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).

Joy Contee

July 23, 2004

CHARLES APPIAH
PRIMARY EXAMINER